

### **REMARKS**

This application has been carefully reviewed in light of the Office Action dated August 16, 2006. Claims 1-10 are pending. Applicant has added new claims 11-15 through this amendment. Claims 1, 2, 5, 6, 10, 12 and 14 are independent. Claims 1 and 6 have been amended herein.

In the Office Action, claims 1-10 are rejected under 35 U.S.C. 102(a) as being anticipated by archived copies of the www.egreetings.com website (hereinafter referred to as "eGreetings").

eGreetings is an electronic card website that allows Internet users to send e-cards to each other. In providing their service, eGreetings performs, *inter alia*, the following three operations. 1) The eGreetings website acts as both a provider of content (the e-cards) and a facilitator of the sharing of the content. 2) When a first user sends an e-card to a second user, an entire copy of the same e-card is made available to the second user. 3) eGreetings allows its senders to attach a personal message to the e-card. This message and/or the e-card may promote the content provider (eGreetings), but it does not promote the content itself since the receiver has received the whole e-card.

Claim 1, as amended, is not anticipated by eGreetings because claim 1 recites, *inter alia*, "wherein the facilitating device is different from a content provider of the content item." As mentioned above, eGreetings is both the provider of the content item (the e-cards) and the facilitator of the sharing of the content item. eGreetings does not teach or suggest a facilitating device being different from a provider of content, as recited in claim 1. In contrast, eGreetings is both a provider and a facilitator. Accordingly, applicant submits that claim 1 is not anticipated

by eGreetings for at least this reason, and applicant respectfully requests that the Examiner withdraw this rejection.

Independent claims 2 and 5 refer to claim 1 and are therefore not anticipated by eGreetings for at least the reason discussed above with respect to claim 1. Thus, applicant respectfully requests that the examiner withdraw those rejections.

Claims 3 and 4 depend from claim 2 and are therefore not anticipated by eGreetings for at least the reason discussed above with respect to claim 1. Thus, applicant respectfully requests that the examiner withdraw those rejections.

Claim 6, as amended, is not anticipated by eGreetings because claim 6 recites, *inter alia*, “wherein the representation for the content item is different from the content item.” As mentioned above, when a first user sends an e-card to a second user, eGreetings makes an exact copy of the e-card available to the second user. In contrast, claim 6 recites, *inter alia*, sending a representation of the content item, where the representation is different from the content item. For example, in one embodiment, the representation can be a portion of the content and it can also include a promotion for the content item (See page 5, lines 30-33 of the specification). The eGreetings business model includes making the entire e-card available to its recipient; it does not teach or suggest sending a representation of the content item to a recipient, the representation being different from the content item, as recited in claim 6. Accordingly, applicant submits that claim 6 is not anticipated by eGreetings for at least this reason, and applicant respectfully requests that the Examiner withdraw this rejection.

Claims 7-9 depend from claim 6 and are therefore not anticipated by eGreetings for at least the reason discussed above with respect to claim 6. Thus, applicant respectfully requests

that the examiner withdraw those rejections.

Independent claim 10 refers to claim 6 and is therefore not anticipated by eGreetings for at least the reason discussed above with respect to claim 6. Thus, applicant respectfully requests that the examiner withdraw those rejections.

In addition to the reason stated above, claim 8 is not anticipated by eGreetings because claim 8 recites, *inter alia*, “where the representation (102) is a promotional message for the content item.” As mentioned above, when eGreetings sends an e-card to a recipient, the entire e-card is made available to the recipient. Since the recipient can access the entire content item, there is no reason to include a promotional message for the content item, as recited in 8. In one embodiment, the promotional message encourages the recipient to obtain his own copy of the content item (See page 5, lines 32-34 of the specification). In contrast, the eGreetings business model provides the recipient with the entire content item, so there is no reason to include a promotional message for the content item, and the recipient would not need to be encouraged to obtain their own copy of the content item because they already have it. eGreetings may attach a message promoting their website, but that is not the same as a promotional message for the content item, as recited in claim 8. In addition, eGreetings may allow the sender to attach a personal message to the e-card; however, this also is not the same as a promotional message for the content item, as recited in claim 8. Accordingly, applicant respectfully submits that claim 8 is not anticipated by eGreetings for at least this additional reason, and applicant requests that the Examiner withdraw this rejection.

New claims 11, 13 and 14 include limitations similar to limitations in claim 6, and are therefore allowable at least for the same reason discussed above with respect to claim 6.

Thus, applicant respectfully submits that these claims are in condition for allowance.

New claim 12 includes limitations similar to limitations in claim 1, and is therefore allowable at least for the same reason discussed above with respect to claim 1. Thus, applicant respectfully submits that this claim is in condition for allowance.

New claim 15 includes limitations similar to limitations in claim 8, and is therefore allowable at least for the same reason discussed above with respect to claim 8. Thus, applicant respectfully submits that this claim is in condition for allowance.

In view of the foregoing, it is respectfully submitted that the currently-pending claims are in condition for allowance and favorable consideration is earnestly solicited. The Commissioner of Patents is hereby authorized to charge any additional fees or surcharges that may be required, or credit any overpayment to Account No. 14-1270.

Respectfully submitted,

By /Paul Im/  
Paul Im, Reg. No. 50,418  
Agent  
(914) 333-9627